

## **Chapter 110**

### **MUNICIPAL INFRACTIONS**

**[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant 4-14-2003 by Ord. No. 03-01. Amendments noted where applicable.]**

#### **§ 110-1. Service of citations; contents; persons authorized to deliver citations.**

- A. Any person who is alleged to have violated an ordinance punishable as a municipal infraction shall be delivered a citation containing minimally the following information:
  - (1) The name and address of the person charged.
  - (2) The nature of the infraction.
  - (3) The location and time that the infraction occurred or was observed.
  - (4) The amount of the infraction fine assessed.
  - (5) The manner, location and time in which the fine may be paid to the City.
  - (6) The person's right to elect to stand trial for the infraction.
  - (7) The effect of failing to pay the assessed fine or demand a trial within the prescribed time.
- B. The Code Enforcement Officer, any law enforcement officer or such other persons as the Council may designate shall be authorized to deliver a citation. A copy of each citation delivered shall be retained by the City and shall bear the certification of such person that the matters set forth in the citation are true.
- C. The citation shall be served on the defendant:
  - (1) In accordance with Rule 3-121 of the Maryland Rules; or
  - (2) For real-property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under Rule 3-121(a) of the Maryland Rules have not succeeded, by:
    - (a) Regular mail to the defendant's last-known address;
    - (b) Posting of the citation at the property where the infraction has occurred or is occurring, and, if located within the municipality in which the infraction has occurred or is occurring, at the residence or place of business of the defendant.

#### **§ 110-2. Fines.**

The fine for a municipal infraction shall be specified in the ordinance violated, provided that such fine shall not exceed \$1,000 for any violation, or the maximum amount allowed by state

law for a municipal infraction, whichever is greater. Each day a violation continues, unless otherwise provided, shall constitute a separate offense. The fine shall be payable within 20 calendar days of receipt of a citation.

**§ 110-3. Election to stand trial.**

Any person receiving a citation may elect to stand trial for the offense by notifying the City, in writing, of his or her intention to stand trial within 20 calendar days. Upon receipt of such notice, the City shall forward to the District Court having venue a copy of the citation and the intention to stand trial.

**§ 110-4. No formal hearing by City.**

The City shall not conduct any formal hearing unless so specified by specific ordinance for those persons in receipt of a citation of infraction. Any offender so cited may pay the fine as indicated or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the infraction.

**§ 110-5. Failure to pay fine.**

If a person receiving a citation for an infraction fails to pay the fine for the infraction by the day of payment set forth on the citation and fails to file a notice of the person's intention to stand trial for the offense, a formal notice of the infraction shall be sent to the offender's last-known address. If the citation has not been satisfied within 20 calendar days from the date of notice, the offender shall be liable for an additional fine not to exceed twice the original fine. If after 30 days the citation has not been satisfied, the City may request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit. The District Court shall promptly schedule the case for trial and summon the defendant to appear. If the defendant fails to respond to such summons, the City may request entry of judgment against the defendant in favor of the City in the amount then due if proper demand for judgment on affidavit is made.

**§ 110-6. Findings of District Court.**

If any person shall be found by the District Court to have committed a municipal infraction:

- A. The City may request the District Court to order the person to pay the fine, including any doubling of the fine, not to exceed the limits under § 110-2 of this chapter;
- B. The person shall be liable for the costs of the proceedings in the District Court; and
- C. The City may request the court to order the person to abate the infraction or enter an order permitting the City to abate such infraction at the person's expense; and
- D. The fines imposed shall constitute a judgment in favor of the City; and
- E. If the fine remains unpaid for 30 days following the date of its entry, the City may enforce the judgment in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred the payment of the fine.

**§ 110-7. Abatement by City.**

- A. If the City abates an infraction pursuant to an order of the District Court, the City shall present the defendant with a bill for the cost of abatement by:
  - (1) Regular mail to the defendant's last known address; or
  - (2) Any other means that are reasonably calculated to bring the bill to the defendant's attention.
- B. If the defendant does not pay the bill within 30 days after presentment, the City may move the District Court to enter a judgment against the defendant for the cost of abatement.